

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO**  
*Western Division*

THE PROCTER & GAMBLE COMPANY,

Plaintiff/Counterclaim-  
Defendant,

V.

THE COCA-COLA COMPANY,

Defendant/Counterclaim-  
Plaintiff.

CIVIL ACTION NO. C-1-02-393

Hon. Walter Herbert Rice

Hon. Sharon L. Ovington (Magistrate)

**THE COCA-COLA COMPANY'S MOTION FOR LEAVE TO FILE LIMITED REPLY  
TO THE PROCTER & GAMBLE COMPANY'S RESPONSE IN FURTHER SUPPORT  
OF ITS MOTION FOR LEAVE TO FILE SECOND AMENDED COMPLAINT**

The Coca-Cola Company (“Coca-Cola”), through counsel, respectfully moves this Honorable Court for leave to file its Limited Reply to The Procter & Gamble Company’s (“P&G”) Response in Further Support of its Motion for Leave to File Second Amended Complaint, on the limited issue of the impact of the *Knorr-Bremse Systeme Fuer Nutzfahrzeuge GMBH v. Dana Corp.*<sup>1</sup> decision.

In support thereof, Coca-Cola states the following:

1. P&G’s response purports to apply the holding of *Knorr-Bremse* in support of leave to file the second amended complaint, but misstates the substance and scope of the Federal Circuit’s opinion.

2. In offering this Response, Coca-Cola limits its points to matters on which it has not had a previous opportunity to comment.

<sup>1</sup> 383 F.3d 1337 (Fed. Cir. Sept. 13, 2004).

WHEREFORE, The Coca-Cola Company respectfully requests that this Honorable Court grant leave to file the attached Limited Reply and which further relief as the Court deems appropriate.

Dated: April 4, 2005

By: /s/Roger J. Makley  
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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and accurate copy of THE COCA-COLA COMPANY'S MOTION FOR LEAVE TO FILE LIMITED REPLY TO THE PROCTER & GAMBLE COMPANY'S RESPONSE IN FURTHER SUPPORT OF ITS MOTION FOR LEAVE TO FILE SECOND AMENDED COMPLAINT was served on this 4<sup>th</sup> day of April, 2005, via e-mail by the Court's Electronic System to Plaintiff's counsel:

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